



General Assembly

January Session, 2001

Raised Bill No. 1342

LCO No. 4406

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING THE DEPARTMENT ON AGING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) There is established a Department on Aging
2 which shall be under the direction and supervision of the
3 Commissioner on Aging who shall be appointed by the Governor in
4 accordance with the provisions of sections 4-5 to 4-8, inclusive, of the
5 general statutes, with the powers and duties therein prescribed. The
6 commissioner shall be knowledgeable and experienced with respect to
7 the conditions and needs of elderly persons and shall serve on a full-
8 time basis.

9 (b) The Commissioner on Aging shall administer all laws under the
10 jurisdiction of the Department on Aging and shall employ the most
11 efficient and practical means for the provision of care and protection of
12 elderly persons. The commissioner shall have the power and duty to
13 do the following: (1) Administer, coordinate and direct the operation
14 of the department; (2) adopt and enforce regulations, in accordance
15 with chapter 54 of the general statutes, as necessary to implement the
16 purposes of the department as established by statute; (3) establish rules
17 for the internal operation and administration of the department; (4)

18 establish and develop programs and administer services to achieve the
19 purposes of the department; (5) contract for facilities, services and
20 programs to implement the purposes of the department; (6) act as
21 advocate for the need of more comprehensive and coordinated
22 programs for elderly persons; (7) assist and advise all appropriate
23 state, federal, local and area planning agencies for elderly persons in
24 the performance of their functions and duties pursuant to federal law
25 and regulation; (8) plan services and programs for elderly persons; (9)
26 coordinate outreach activities by public and private agencies serving
27 elderly persons; and (10) consult and cooperate with area and private
28 planning agencies.

29 (c) The functions, powers, duties and personnel of the Division of
30 Elderly Services of the Department of Social Services shall be
31 transferred to the Department on Aging pursuant to the provisions of
32 section 4-38d and 4-38e of the general statutes.

33 (d) Any order or regulation of the Department of Social Services or
34 the Commission on Aging that is in force on July 1, 2000, shall continue
35 in force and effect as an order or regulation until amended, repealed or
36 superseded pursuant to law.

37 Sec. 2. (NEW) (a) The Department on Aging shall continuously
38 study the conditions and needs of elderly persons in this state in
39 relation to nutrition, transportation, home-care, housing, income,
40 employment, health, recreation and other matters. It shall be
41 responsible, in cooperation with federal, state, local and area planning
42 agencies on aging, for the overall planning, development and
43 administration of a comprehensive and integrated social service
44 delivery system for elderly persons and the aged. The department
45 shall: (1) Measure the need for services; (2) survey methods of
46 administration of programs for service delivery; (3) provide for
47 periodic evaluations of social services; (4) maintain technical,
48 information, consultation and referral services in cooperation with
49 other state agencies to local and area public and private agencies to the

50 fullest extent possible; (5) develop and coordinate educational
51 outreach programs for the purposes of informing the public and
52 elderly persons of available programs; (6) cooperate in the
53 development of performance standards for licensing of residential and
54 medical facilities with appropriate state agencies; (7) supervise the
55 establishment, in selected areas and local communities of the state, of
56 pilot programs for elderly persons; (8) coordinate with the Department
57 of Transportation to provide adequate transportation services related
58 to the needs of elderly persons; and (9) cooperate with other state
59 agencies to provide adequate and alternate housing for elderly
60 persons, including congregate housing, as defined in section 8-119e of
61 the general statutes. Subject to the provisions of chapter 67 of the
62 general statutes, the Department on Aging may employ such clerical
63 and other assistance as it requires to carry out its duties.

64 (b) The Department on Aging shall be the single state agency for the
65 administration, monitoring and coordination of programs for elderly
66 persons and the aged pursuant to any state or federal law or
67 regulation, except as otherwise provided in the general statutes or as
68 required by federal law as a prerequisite to federal reimbursement or
69 grants.

70 Sec. 3. (NEW) (a) The Department on Aging may receive, hold,
71 invest and disburse money, securities, supplies or equipment offered it
72 for any of its purposes by the federal government or by any person,
73 corporation or association. The department may, within the limits of
74 funds available to it from state appropriations or otherwise, enter into
75 agreements with federal agencies for programs to help older persons
76 in the field of community planning, services and training or otherwise,
77 as is or may be authorized under federal law. The department shall
78 include in its annual report an account of any property so received, the
79 names of its donors, its location, the use made thereof and the amount
80 of unexpended balances on hand.

81 (b) The Department on Aging may contract with any public or

82 private agency or person to provide services for the elderly.

83 Sec. 4. Section 17b-420 of the general statutes is repealed and the
84 following is substituted in lieu thereof:

85 (a) There is established a Commission on Aging within the
86 Department on Aging to advocate on behalf of elderly persons on
87 issues and programs of concern to the elderly including, but not
88 limited to, health care, nutrition, housing, employment, transportation,
89 legal assistance and economic security. The commission shall be
90 composed of eleven voting members who are knowledgeable about
91 areas of interest to the elderly to be appointed as follows: Five by the
92 Governor, one by the president pro tempore of the Senate, one by the
93 speaker of the House of Representatives, one by the majority leader of
94 the Senate, one by the majority leader of the House of Representatives,
95 one by the minority leader of the Senate and one by the minority
96 leader of the House of Representatives. The initial appointments to the
97 commission shall be made by August 15, 1993. The initial term for
98 three of the members appointed by the Governor and the members
99 appointed by the president pro tempore of the Senate, majority leader
100 of the House of Representatives and minority leader of the Senate shall
101 expire August 15, 1997, and the initial term for two of the members
102 appointed by the Governor and the members appointed by the speaker
103 of the House of Representatives, majority leader of the Senate and
104 minority leader of the House of Representatives shall expire August
105 15, 1995. Thereafter, all members shall be appointed for a term of four
106 years from August fifteenth in the year of their appointment. Members
107 shall be limited to two consecutive terms. The commission shall
108 include the following ex-officio nonvoting members: The chairpersons
109 and ranking members of the joint standing committee of the General
110 Assembly having cognizance of matters concerning the provision of
111 services to the elderly and the Commissioners of Social Services, Public
112 Health, Mental Health and Addiction Services, Mental Retardation,
113 Economic and Community Development and Transportation, the
114 Insurance Commissioner and the Labor Commissioner. The

115 chairperson of the commission shall be selected by the Governor.
116 Members of the commission shall receive no compensation for their
117 services, but shall be reimbursed for any necessary expenses incurred
118 in the performance of their duties. The Commissioner of Social
119 Services shall convene the initial organizational meeting of the
120 Commission on Aging on or before September 1, 1993.

121 (b) The Commission on Aging shall: (1) Prepare and issue an annual
122 report to the [Governor, General Assembly and the legislative body of
123 each municipality in the state] Commissioner on Aging on its findings
124 and recommendations concerning services for the elderly in the state;
125 (2) conduct annual public hearings on issues affecting the well-being of
126 the elderly in the state; [(3) meet at least monthly with the
127 commissioner and the head of the Division of Elderly Services of the
128 Department of Social Services to review and comment on the policies
129 and procedures of the department concerning the elderly; (4) review
130 and comment on the budget of the Division of Elderly Services of the
131 Department of Social Services; (5)] (3) meet as needed with state
132 officials to discuss issues affecting the elderly; [(6)] and (4) conduct
133 studies and report on issues affecting the elderly. [; and (7) disseminate
134 information to the business community, education community, state
135 and local governments and the media on the nature and scope of the
136 problems faced by the elderly. The commission may accept any gifts,
137 donations or bequests for any of the purposes of this section.]

138 (c) There shall be an executive director of the Commission on Aging
139 who shall be appointed by the commissioner after consultation with
140 the commission. There may be additional staff within available
141 appropriations. The commission shall be within the Department [of
142 Social Services for administrative purposes only] on Aging.

143 Sec. 5. Subsection (a) of section 17b-28 of the general statutes, is
144 repealed and the following is substituted in lieu thereof:

145 (a) There is established a council which shall advise the
146 Commissioner of Social Services on the planning and implementation

147 of a system of Medicaid managed care and shall monitor such
148 planning and implementation and shall advise the Waiver Application
149 Development Council, established pursuant to section 17b-28a, on
150 matters including, but not limited to, eligibility standards, benefits,
151 access and quality assurance. The council shall be composed of the
152 chairpersons and ranking members of the joint standing committees of
153 the General Assembly having cognizance of matters relating to human
154 services and public health, or their designees; two members of the
155 General Assembly, one to be appointed by the president pro tempore
156 of the Senate and one to be appointed by the speaker of the House of
157 Representatives; the [director of the Commission] Commissioner on
158 Aging, or [a] the commissioner's designee; the director of the
159 Commission on Children, or a designee; two community providers of
160 health care, to be appointed by the president pro tempore of the
161 Senate; two representatives of the insurance industry, to be appointed
162 by the speaker of the House of Representatives; two advocates for
163 persons receiving Medicaid, one to be appointed by the majority leader
164 of the Senate and one to be appointed by the minority leader of the
165 Senate; one advocate for persons with substance abuse disabilities, to
166 be appointed by the majority leader of the House of Representatives;
167 one advocate for persons with psychiatric disabilities, to be appointed
168 by the minority leader of the House of Representatives; two advocates
169 for the Department of Children and Families foster families, one to be
170 appointed by the president pro tempore of the Senate and one to be
171 appointed by the speaker of the House of Representatives; two
172 members of the public who are currently recipients of Medicaid, one to
173 be appointed by the majority leader of the House of Representatives
174 and one to be appointed by the minority leader of the House of
175 Representatives; two representatives of the Department of Social
176 Services, to be appointed by the Commissioner of Social Services; two
177 representatives of the Department of Public Health, to be appointed by
178 the Commissioner of Public Health; two representatives of the
179 Department of Mental Health and Addiction Services, to be appointed
180 by the Commissioner of Mental Health and Addiction Services; two

181 representatives of the Department of Children and Families, to be
182 appointed by the Commissioner of Children and Families; two
183 representatives of the Office of Policy and Management, to be
184 appointed by the Secretary of the Office of Policy and Management;
185 one representative of the office of the State Comptroller, to be
186 appointed by the State Comptroller and the members of the Health
187 Care Access Board who shall be ex-officio members and who may not
188 designate persons to serve in their place. The council shall choose a
189 chair from among its members. The joint committee on Legislative
190 Management shall provide administrative support to such chair. The
191 council shall convene its first meeting no later than June 1, 1994.

192 Sec. 6. Section 17b-421 of the general statutes is repealed and the
193 following is substituted in lieu thereof:

194 The state shall be divided into five elderly planning and service
195 areas, in accordance with federal law and regulations, each having an
196 area agency on aging to carry out the mandates of the federal Older
197 Americans Act of 1965, as amended. The area agencies shall (1)
198 represent elderly persons within their geographic areas, (2) develop an
199 area plan for approval by the Department of [Social Services] on Aging
200 and upon such approval administer the plan, (3) coordinate and assist
201 local public and nonprofit, private agencies in the development of
202 programs, (4) receive and distribute federal and state funds for such
203 purposes, in accordance with applicable law, (5) carry out any
204 additional duties and functions required by federal law and
205 regulations.

206 Sec. 7. Section 17b-422 of the general statutes is repealed and the
207 following is substituted in lieu thereof:

208 (a) The [state Department of Social Services] Department on Aging
209 shall equitably allocate, in accordance with federal law, federal funds
210 received under Title IIIB and IIIC of the Older Americans Act to the
211 five area agencies on aging established pursuant to section 17b-421, as
212 amended by this act. The department, before seeking federal approval

213 to spend any amount above that allotted for administrative expenses
214 under said act, shall inform the joint standing committee of the
215 General Assembly having cognizance of matters relating to human
216 services that it is seeking such approval.

217 (b) Sixty per cent of the state funds appropriated to the five area
218 agencies on aging for elderly nutrition and social services shall be
219 allocated in the same proportion as allocations made pursuant to
220 subsection (a) of this section. Forty per cent of all state funds
221 appropriated to the five area agencies on aging for elderly nutrition
222 and social services used for purposes other than the required
223 nonfederal matching funds shall be allocated at the discretion of the
224 [Commissioner of Social services] Commissioner on Aging, in
225 consultation with the area agencies on aging, based on their need for
226 such funds. Any state funds appropriated to the five area agencies on
227 aging for administrative expenses shall be allocated equally.

228 (c) The [state Department of Social Services] Department on Aging
229 in consultation with the five area agencies on aging shall review the
230 method of allocation set forth in subsection (a) and shall report any
231 findings or recommendations to the joint standing committees on
232 appropriations and human services.

233 (d) An area agency may request a person participating in the elderly
234 nutrition program to pay a voluntary fee for meals furnished except
235 that no eligible person shall be denied a meal due to an inability to pay
236 such fee.

237 Sec. 8. Section 17b-423 of the general statutes is repealed and the
238 following is substituted in lieu thereof:

239 (a) [The state Department of Social Services by July 1, 1987,] Not
240 later than January 1, 2002, the Department on Aging shall prepare and
241 routinely update a community services policy manual. The pages of
242 such manual shall be consecutively numbered and indexed, containing
243 all departmental policy regulations and substantive procedure. Said

244 manual shall be published by the department and distributed so that it
245 is available to all district, subdistrict and field offices of the [state]
246 Department of Social Services and the Department on Aging. The
247 [state Department of Social Services] Department on Aging shall adopt
248 such policy manual in regulation form in accordance with the
249 provisions of chapter 54. The department may operate under any new
250 policy necessary to conform to a requirement of a federal or joint state
251 and federal program. The department may operate under any new
252 policy while it is in the process of adopting the policy in regulation
253 form, provided the [state Department of Social Services] Department
254 on Aging prints notice of intent to adopt the regulations in the
255 Connecticut Law Journal within twenty days after adopting the policy.
256 Such policy shall be valid until the time final regulations are effective.

257 (b) The [state Department of Social Services] Department on Aging
258 shall write the community services policy manual using plain
259 language as described in section 42-152. The manual shall include an
260 index for frequent referencing and a separate section or manual which
261 specifies procedures to follow to clarify policy.

262 Sec. 9. Section 17b-424 of the general statutes is repealed and the
263 following is substituted in lieu thereof:

264 The Commissioner [of Social Services] on Aging shall establish an
265 adult foster care program [which] that shall provide room, board and
266 personal care services in a home or substantially equivalent
267 environment to elderly persons who volunteer and may otherwise be
268 placed in a nursing home or who are inappropriately institutionalized.
269 The commissioner shall adopt regulations, in accordance with the
270 provisions of chapter 54, to administer this program.

271 Sec. 10. Section 17b-425 of the general statutes is repealed and the
272 following is substituted in lieu thereof:

273 The Department [of Social Services] on Aging may make a grant to

274 any city, town or borough or public or private agency, organization or
275 institution for the following purposes: [(a)] (1) For community
276 planning and coordination of programs carrying out the purposes of
277 the Older Americans Act of 1965, as amended; [(b)] (2) for
278 demonstration programs or activities particularly valuable in carrying
279 out such purposes; [(c)] (3) for training of special personnel needed to
280 carry out such programs and activities; [(d)] (4) for establishment of
281 new or expansion of existing programs to carry out such purposes,
282 including establishment of new or expansion of existing centers of
283 service for elderly persons, providing recreational, cultural and other
284 leisure time activities, and informational, transportation, referral and
285 preretirement and postretirement counseling services for elderly
286 persons and assisting such persons in providing volunteer community
287 or civic services, except that no costs of construction, other than for
288 minor alterations and repairs, shall be included in such establishment
289 or expansion; [(e)] (5) for programs to develop or demonstrate
290 approaches, methods and techniques for achieving or improving
291 coordination of community services for elderly or aging persons and
292 such other programs and services as may be allowed under Title III of
293 the Older Americans Act of 1965, as amended, or to evaluate these
294 approaches, techniques and methods, as well as others which may
295 assist elderly or aging persons to enjoy wholesome and meaningful
296 living and to continue to contribute to the strength and welfare of the
297 state and nation.

298 Sec. 11. Section 17b-426 of the general statutes is repealed and the
299 following is substituted in lieu thereof:

300 The Department [of Social Services] on Aging may use moneys
301 appropriated for the purposes of section 17b-425, as amended by this
302 act, for the expenses of administering the grant program under said
303 section, provided the total of such moneys so used shall not exceed
304 five per cent of the moneys so appropriated.

305 Sec. 12. Subsection (a) of section 17b-427 of the general statutes is

306 repealed and the following is substituted in lieu thereof:

307 (a) The Department [of Social Services] on Aging shall establish a
308 program to provide assistance to Medicare patients. The program
309 shall: (1) Provide for toll-free telephone advice and information on
310 Medicare benefits and the Medicare appeals process from a qualified
311 attorney or paralegal at least five days per week during normal
312 business hours, and (2) provide for the preparation and distribution of
313 written materials to Medicare patients, their families and senior citizen
314 organizations regarding Medicare benefits.

315 Sec. 13. Section 4-5 of the general statutes is repealed and the
316 following is substituted in lieu thereof:

317 As used in sections 4-6, 4-7 and 4-8, the term "department head"
318 means Secretary of the Office of Policy and Management,
319 Commissioner of Administrative Services, Commissioner on Aging,
320 Commissioner of Revenue Services, Commissioner of Banking,
321 Commissioner of Children and Families, Commissioner of Consumer
322 Protection, Commissioner of Correction, Commissioner of Economic
323 and Community Development, State Board of Education,
324 Commissioner of Environmental Protection, Commissioner of
325 Agriculture, Commissioner of Public Health, Insurance Commissioner,
326 Labor Commissioner, Liquor Control Commission, Commissioner of
327 Mental Health and Addiction Services, Commissioner of Public Safety,
328 Commissioner of Social Services, Commissioner of Mental Retardation,
329 Commissioner of Motor Vehicles, Commissioner of Transportation,
330 Commissioner of Public Works, Commissioner of Veterans' Affairs,
331 Commissioner of Health Care Access, Chief Information Officer and
332 the chairperson of the Public Utilities Control Authority.

333 Sec. 14. Section 4-38c of the general statutes is repealed and the
334 following is substituted in lieu thereof:

335 There shall be within the executive branch of state government the
336 following departments: Office of Policy and Management, Department

337 of Administrative Services, Department of Revenue Services,
338 Department of Banking, Department of Agriculture, Department of
339 Children and Families, Department of Consumer Protection,
340 Department of Correction, Department of Economic and Community
341 Development, State Board of Education, Department of Environmental
342 Protection, Department of Public Health, Board of Governors of
343 Higher Education, Insurance Department, Labor Department,
344 Department of Mental Health and Addiction Services, Department of
345 Mental Retardation, Department of Public Safety, Department of Social
346 Services, Department of Transportation, Department of Motor
347 Vehicles, Department of Veterans' Affairs, Department on Aging,
348 Department of Public Works and Department of Public Utility Control.

349 Sec. 15. Section 7-127b of the general statutes is repealed and the
350 following is substituted in lieu thereof:

351 (a) The chief elected official or the chief executive officer if by
352 ordinance of each municipality shall appoint a municipal agent for
353 elderly persons. Such agent shall be a member of the municipality's
354 commission on aging, if any, a member of another agency that serves
355 elderly persons, an elected official of the state or the municipality or a
356 responsible resident of the municipality who has demonstrated an
357 interest in the elderly or has been involved in programs in the field of
358 aging.

359 (b) Each municipal agent shall (1) disseminate information to
360 elderly persons and assist such persons in learning about the
361 community resources available to them and publicize such resources
362 and benefits; (2) assist elderly persons in applying for federal and
363 other benefits available to such persons; (3) submit written reports at
364 least annually to the chief elected official, chief executive officer,
365 legislative body and committee or commission on aging of the
366 municipality, if any, and to the [state Department of Social Services]
367 Department on Aging on the services they have provided, the needs
368 and problems of the elderly and any recommendations for municipal

369 action with regard to elderly persons.

370 (c) Each municipal agent shall serve for a term of two or four years,
371 at the discretion of the appointing authority of each municipality, and
372 may be reappointed. If more than one agent is necessary to carry out
373 the purposes of this section, the appointing authority, in [his] the
374 appointing authority's discretion, may appoint one or more assistant
375 agents. The town clerk in each municipality shall notify the [state
376 Department of Social Services] Department on Aging immediately of
377 the appointment of a new municipal agent. Each municipality may
378 provide to its municipal agent resources sufficient for such agent to
379 perform the duties of the office.

380 (d) The [state Department of Social Services] Department on Aging
381 shall be responsible for assuring that the provisions of this section are
382 being carried out by municipalities, and shall adopt and disseminate to
383 municipalities guidelines as to the role and duties of municipal agents
384 and such informational and technical materials to assist such agents in
385 performance of their duties. Said department shall provide training for
386 municipal agents in accordance with their needs and the resources of
387 the department and in cooperation with area agencies on aging. The
388 department shall sponsor at least one training session in each of the
389 planning and service areas of the Department [of Social Services] on
390 Aging. Such training shall include, but not be limited to, information,
391 from updated lists, on the availability of housing. Each municipal
392 agent shall attend at least one such session. Said department shall
393 assist such agents to develop and maintain simple records about the
394 needs of elderly persons and the services provided to them, which
395 records shall be confidential and used only to provide data that is
396 useful to the [state Department of Social Services] Department on
397 Aging and the area agencies on aging in the preparation of the annual
398 state and area plans.

399 Sec. 16. Subsection (a) of section 9-19h of the general statutes, is
400 repealed and the following is substituted in lieu thereof:

401 (a) The Department [of Social Services] on Aging, the Labor
402 Department and the Department of Motor Vehicles shall make voter
403 registration information and materials available to the public. Such
404 information and materials shall be placed in public areas of the offices
405 of such departments. The State Library and the libraries of the state's
406 public institutions of higher education shall also make such
407 information and materials available to users of the libraries. The
408 Secretary of the State shall provide such departments, such libraries
409 and any libraries open to the public with suitable nonpartisan
410 literature, materials and voter registration application forms
411 authorized under sections 9-23g and 9-23h. The secretary shall also
412 provide to the Department [of Social Services] on Aging, the Labor
413 Department and the Department of Motor Vehicles any furniture
414 needed to display such literature, materials and forms.

415 Sec. 17. Subsections (a) and (b) of section 10-183l of the general
416 statutes are repealed and the following is substituted in lieu thereof:

417 (a) The management of the system shall continue to be vested in the
418 Teachers' Retirement Board, which shall consist of nine members
419 including the Insurance Commissioner, the Commissioner [of Social
420 Services] on Aging and the Commissioner of Education, or their
421 designees, who shall be members of the board, ex officio. On or before
422 June 15, 1983, and quadrennially thereafter, the members of such
423 system shall elect from their number, in a manner to be prescribed by
424 said board, three persons to serve as members of said board for terms
425 of four years beginning July first following such election. If a vacancy
426 occurs in the positions filled by the members of said system who are
427 not retired, said board shall elect a member of the system who is not
428 retired to fill the unexpired portion of the term. If a vacancy occurs in
429 the position filled by the retired member of said system, said board
430 shall elect a retired member of the system to fill the unexpired portion
431 of the term. The Governor shall appoint three public members to said
432 board in accordance with the provisions of section 4-9a. The members
433 of the board shall serve without compensation, but shall be reimbursed

434 for any expenditures or loss of salary or wages which they incur
435 through service on the board.

436 (b) On and after July 1, 1991, the management of the system shall
437 continue to be vested in the Teachers' Retirement Board, which shall
438 consist of twelve members including the Commissioner [of Social
439 Services] on Aging and the Commissioner of Education, or their
440 designees, who shall be members of the board, ex officio. On or before
441 June 15, 1985, and quadrennially thereafter, the members of such
442 system shall elect from their number, in a manner prescribed by said
443 board, two persons to serve as members of said board for terms of four
444 years beginning July first following such election. Both of such persons
445 shall be active teachers who shall be nominated by the members of the
446 system who are not retired and elected by all the members of the
447 system. On or before July 1, 1991, and quadrennially thereafter, the
448 members of such system shall elect from their number, in a manner
449 prescribed by said board, three persons to serve as members of said
450 board for terms of four years beginning July first following such
451 election. Two of such persons shall be retired teachers who shall be
452 nominated by the retired members of the system and elected by all the
453 members of the system and one shall be an active teacher who shall be
454 nominated by the members of the system who are not retired and
455 elected by all the members of the system. If a vacancy occurs in the
456 positions filled by the members of said system who are not retired,
457 said board shall elect a member of the system who is not retired to fill
458 the unexpired portion of the term. If a vacancy occurs in the positions
459 filled by the retired members of said system, said board shall elect a
460 retired member of the system to fill the unexpired portion of the term.
461 The Governor shall appoint five public members to said board in
462 accordance with the provisions of section 4-9a. The members of the
463 board shall serve without compensation, but shall be reimbursed for
464 any expenditures or loss of salary or wages which they incur through
465 service on the board. All decisions of the board shall require the
466 approval of six members of the board or a majority of the members
467 who are present, whichever is greater.

468 Sec. 18. Section 17b-251 of the general statutes is repealed and the
469 following is substituted in lieu thereof:

470 The Department [of Social Services] on Aging shall establish an
471 outreach program to educate consumers as to: (1) The need for long-
472 term care; (2) mechanisms for financing such care; (3) the availability
473 of long-term care insurance; and (4) the asset protection provided
474 under sections 17b-252 to 17b-254, inclusive, and 38a-475. The
475 Department [of Social Services] on Aging shall provide public
476 information to assist individuals in choosing appropriate insurance
477 coverage.

478 Sec. 19. Subsection (a) of section 17b-792 of the general statutes is
479 repealed and the following is substituted in lieu thereof:

480 (a) The Department [of Social Services] on Aging shall be
481 responsible for the administration of programs which provide
482 nutritionally sound diets to needy elderly persons and for the
483 expansion of such programs when possible. Such programs shall be
484 continued in such a manner as to fully utilize congregate feeding and
485 nutrition education of elderly citizens who qualify for such program.

486 Sec. 20. Subsection (a) of section 19a-495 of the general statutes is
487 repealed and the following is substituted in lieu thereof:

488 (a) The Department of Public Health shall, after consultation with
489 the appropriate public and voluntary hospital planning agencies,
490 establish classifications of institutions. It shall, in its Public Health
491 Code, adopt, amend, promulgate and enforce such regulations based
492 upon reasonable standards of health, safety and comfort of patients
493 and demonstrable need for such institutions, with respect to each
494 classification of institutions to be licensed under sections 19a-490 to
495 19a-503, inclusive, after consultation with the Commissioner on Aging,
496 including their special facilities, as will further the accomplishment of
497 the purposes of said sections in promoting safe, humane and adequate
498 care and treatment of individuals in institutions. Said department shall

499 adopt such regulations concerning home health care agencies and
500 homemaker-home health aide agencies, as defined in section 19a-490.

501 Sec. 21. Section 19a-531 of the general statutes is repealed and the
502 following is substituted in lieu thereof:

503 Any employee of the Department of Public Health, [or] the
504 Department of Social Services or the Department on Aging or any
505 regional ombudsman who gives or causes to be given any advance
506 notice to any nursing home facility, directly or indirectly, that an
507 investigation or inspection is under consideration or is impending or
508 gives any information regarding any complaint submitted pursuant to
509 section 17b-408, or 19a-523 prior to an on-the-scene investigation or
510 inspection of such facility, unless specifically mandated by federal or
511 state regulations to give advance notice, shall be guilty of a class B
512 misdemeanor and may be subject to dismissal, suspension or demotion
513 in accordance with chapter 67.

514 Sec. 22. Subsection (f) of section 22a-256c of the general statutes is
515 repealed and the following is substituted in lieu thereof:

516 (f) The Commissioner of Environmental Protection, in consultation
517 with the Commissioner [of Social Services] on Aging, shall assist senior
518 citizen centers in the establishment of a program for the collection of
519 mercuric oxide batteries. The program shall provide for the safe
520 disposal and recycling of such batteries and shall provide guidelines
521 for containers suitable for the safe collection and disposal of such
522 batteries.

523 Sec. 23. Section 38a-475 of the general statutes is repealed and the
524 following is substituted in lieu thereof:

525 The Insurance Department shall only precertify long-term care
526 insurance policies which (1) alert the purchaser to the availability of
527 consumer information and public education provided by the
528 Department [of Social Services] on Aging pursuant to section [17a-307]

529 17b-251, as amended by this act; (2) offer the option of home and
530 community-based services in addition to nursing home care; (3) in all
531 home care plans, include case management services delivered by an
532 access agency approved by the Office of Policy and Management and
533 the Department [of Social Services] on Aging as meeting the
534 requirements for such agency as defined in regulations adopted
535 pursuant to subsection (e) of section 17b-342, which services shall
536 include, but need not be limited to, the development of a
537 comprehensive individualized assessment and care plan and, as
538 needed, the coordination of appropriate services and the monitoring of
539 the delivery of such services; (4) provide inflation protection; (5)
540 provide for the keeping of records and an explanation of benefit
541 reports on insurance payments which count toward Medicaid resource
542 exclusion; and (6) provide the management information and reports
543 necessary to document the extent of Medicaid resource protection
544 offered and to evaluate the Connecticut Partnership for Long-Term
545 Care. No policy shall be precertified if it requires prior hospitalization
546 or a prior stay in a nursing home as a condition of providing benefits.
547 The commissioner may adopt regulations, in accordance with chapter
548 54, to carry out the precertification provisions of this section.

549 Sec. 24. Section 45a-651 of the general statutes is repealed and the
550 following is substituted in lieu thereof:

551 (a) (1) If no suitable conservator can be found after due diligence
552 and the court finds that the health or welfare of the respondent is in
553 jeopardy, the Commissioner [of Social Services] on Aging shall accept
554 appointment within available appropriations, as conservator of the
555 estate of any respondent sixty years of age or older found incapable
556 under sections 45a-644 to 45a-662, inclusive, of managing his or her
557 affairs, whose liquid assets, excluding burial insurance in an amount
558 up to one thousand five hundred dollars, do not exceed one thousand
559 five hundred dollars at the time of such appointment. (2) If no suitable
560 conservator can be found after due diligence and the court finds that
561 the health or welfare of the respondent is in jeopardy, the

562 Commissioner [of Social Services] on Aging shall accept appointment,
563 within available appropriations, as conservator of the person, of any
564 respondent sixty years of age or older found incapable under said
565 sections of caring for himself or herself, whose liquid assets, excluding
566 burial insurance in an amount up to one thousand five hundred
567 dollars, do not exceed one thousand five hundred dollars at the time of
568 such appointment.

569 (b) The Commissioner [of Social Services] on Aging may delegate
570 any power, duty or function arising from the appointment of such
571 commissioner as either conservator of the estate or of the person
572 respectively, to an employee of the Department [of Social Services] on
573 Aging.

574 (c) When so appointed, such commissioner or [his] the
575 commissioner's designees shall have all the powers and duties of a
576 conservator as provided in sections 45a-644 to 45a-662, inclusive. The
577 department may contract with any public or private agency or person
578 to assist in the carrying out of the duties as conservator of the estate or
579 the person.

580 (d) During the term of appointment of the Commissioner [of Social
581 Services] on Aging as conservator, if a suitable person or legally
582 qualified person, corporation or municipal or state official is found to
583 replace such commissioner as conservator, such person, corporation or
584 official may be appointed successor conservator subject to the approval
585 of the court of probate.

586 (e) The Commissioner [of Social Services] on Aging shall adopt
587 regulations in accordance with the provisions of chapter 54 setting
588 forth the terms and conditions of the acceptance and the termination of
589 appointment as conservator of the estate or person in accordance with
590 this section.

591 (f) Subject to the approval of the probate court having jurisdiction,
592 the estate of any person for whom the Commissioner [of Social

593 Services] on Aging has been appointed conservator pursuant to this
594 section shall be liable for payment for the cost of service as conservator
595 and, to the extent possible, payment to such commissioner for such
596 service shall be made from the assets of the estate.

597 (g) In any proceeding to appoint the Commissioner [of Social
598 Services] on Aging as conservator, the court shall appoint an attorney
599 to represent the person for whom such commissioner has been
600 appointed conservator if such person is without legal representation.

601 Sec. 25. Subsection (a) of section 45a-654 of the general statutes is
602 repealed and the following is substituted in lieu thereof:

603 (a) Upon written application for appointment of a temporary
604 conservator brought by any person deemed by the court to have
605 sufficient interest in the welfare of the respondent, including but not
606 limited to the spouse or any relative of the respondent, the first
607 selectman, chief executive officer or head of the department of welfare
608 of the town of residence or domicile of any respondent, the
609 Commissioner [of Social Services] on Aging, the board of directors of
610 any charitable organization, as defined in section 21a-190a, or the chief
611 administrative officer of any nonprofit hospital or such officer's
612 designee, the Court of Probate may appoint a temporary conservator,
613 if it finds that: (1) The respondent is incapable of managing his or her
614 affairs or incapable of caring for himself or herself and (2) irreparable
615 injury to the mental or physical health or financial or legal affairs of the
616 respondent will result if a temporary conservator is not appointed
617 pursuant to this section. The court may, in its discretion, require the
618 temporary conservator to give a probate bond. The temporary
619 conservator shall have charge of the property or of the person of the
620 respondent or both for such period of time or for such specific occasion
621 as the court finds to be necessary, provided a temporary appointment
622 shall not be valid for more than thirty days, unless at any time while
623 the appointment of a temporary conservator is in effect, an application
624 is filed for appointment of a conservator of the person or estate under

625 section 45a-650. The court may extend the appointment of the
626 temporary conservator until the disposition of such application, or for
627 an additional thirty days, whichever occurs first.

628 Sec. 26. Section 17b-490 of the general statutes is repealed and the
629 following is substituted in lieu thereof:

630 As used in sections 17b-490 to 17b-498, inclusive, as amended by
631 this act:

632 [(a)] (1) "Pharmacy" means a pharmacy licensed under section 20-
633 594 or a pharmacy located in a health care institution, as defined in
634 subsection (a) of section 19a-490, which elects to participate in the
635 program;

636 [(b)] (2) "Prescription drugs" means [(1)] (A) legend drugs, as
637 defined in section 20-571, [(2)] (B) any other drugs which by state law
638 or regulation require the prescription of a licensed practitioner for
639 dispensing, except products prescribed for cosmetic purposes as
640 specified in regulations adopted pursuant to section 17b-494, as
641 amended by this act, and on and after September 15, 1991, diet pills,
642 smoking cessation gum, contraceptives, multivitamin combinations,
643 cough preparations and antihistamines, and [(3)] (C) insulin, insulin
644 syringes and insulin needles;

645 [(c)] (3) "Reasonable cost" means the cost of the prescription drug
646 determined in accordance with the formula adopted by the
647 Commissioner [of Social Services] on Aging in regulations for medical
648 assistance purposes plus a dispensing fee equal to the fee determined
649 by said commissioner for medical assistance purposes;

650 [(d)] (4) "Resident" means a person legally domiciled within the
651 state for a period of not less than one hundred eighty-three days
652 immediately preceding the date of application for inclusion in the
653 program. Mere seasonal or temporary residences within the state, of
654 whatever duration, shall not constitute domicile;

655 [(e)] (5) "Disabled" means a person over eighteen years of age who is
656 receiving disability payments pursuant to either Title 2 or Title 16 of
657 the Social Security Act of 1935, as amended;

658 [(f)] (6) "Commissioner" means the Commissioner [of Social
659 Services] on Aging;

660 [(g)] (7) "Income" means adjusted gross income as determined for
661 purposes of the federal income tax plus any other income of such
662 person not included in such adjusted gross income minus Medicare
663 Part B premium payments. The amount of any Medicaid payments
664 made on behalf of such person or the spouse of such person shall not
665 constitute income;

666 [(h)] (8) "Program" means the Connecticut Pharmaceutical
667 Assistance Contract to the Elderly and the Disabled Program otherwise
668 known as ConnPACE;

669 [(i)] (9) "Pharmaceutical manufacturer" means any entity holding
670 legal title to or possession of a national drug code number issued by
671 the federal Food and Drug Administration;

672 [(j)] (10) "Average manufacturer price" means the average price paid
673 by a wholesaler to a pharmaceutical manufacturer, after the deduction
674 of any customary prompt payment discounts, for a product distributed
675 for retail sale.

676 Sec. 27. Subsection (a) of section 17b-491 of the general statutes is
677 repealed and the following is substituted in lieu thereof:

678 (a) There shall be a "Connecticut Pharmaceutical Assistance
679 Contract to the Elderly and the Disabled Program" which shall be
680 within the Department [of Social Services] on Aging. The program
681 shall consist of payments by the state to pharmacies for the reasonable
682 cost of prescription drugs dispensed to eligible persons minus a
683 copayment charge, effective July 1, 1993, of twelve dollars for each
684 prescription. The pharmacy shall collect the copayment charge from

685 the eligible person at the time of each purchase of prescription drugs,
686 and shall not waive, discount or rebate in whole or in part such
687 amount.

688 Sec. 28. Subsection (a) of section 17b-492 of the general statutes is
689 repealed and the following is substituted in lieu thereof:

690 (a) Eligibility for participation in the program shall be limited to any
691 resident (1) who is sixty-five years of age or older or who is disabled,
692 (2) whose annual income, if unmarried, is less than thirteen thousand
693 eight hundred dollars, or whose annual income, if married, when
694 combined with that of his or her spouse is less than sixteen thousand
695 six hundred dollars, (3) who is not insured under a policy which
696 provides full or partial coverage for prescription drugs once a
697 deductible amount is met, and (4) on and after September 15, 1991,
698 who pays an annual twenty-five-dollar registration fee to the
699 Department [of Social Services] on Aging. On January 1, 1998, and
700 annually thereafter, the commissioner shall, by the adoption of
701 regulations in accordance with chapter 54, increase the income limits
702 established under this subsection over those of the previous fiscal year
703 to reflect the annual inflation adjustment in Social Security income, if
704 any. Each such adjustment shall be determined to the nearest one
705 hundred dollars.

706 Sec. 29. Subsection (d) of section 17b-492 of the general statutes is
707 repealed and the following is substituted in lieu thereof:

708 (d) The Commissioner [of Social Services] on Aging may adopt
709 regulations in accordance with the provisions of chapter 54 to
710 implement the provisions of subsection (c) of this section. Such
711 regulations may provide for the electronic transmission of relevant
712 coverage information between a pharmacist and the department or
713 between an insurer and the department in order to expedite
714 applications and notice.

715 Sec. 30. Section 17b-494 of the general statutes is repealed and the

716 following is substituted in lieu thereof:

717 The Commissioner [of Social Services] on Aging shall adopt
718 regulations, in accordance with the provisions of chapter 54, to
719 establish (1) a system for determining eligibility and disqualification
720 under the program, including provisions for an identification number
721 and a renewable, nontransferable identification card; (2) requirements
722 for the use of the identification number and card by the pharmacy and
723 the eligible person; (3) a system of payments; (4) limitations on the
724 maximum quantity per prescription which shall not exceed a thirty-
725 day supply or one hundred twenty oral dosage units whichever is
726 greater; (5) requirements as to records to be kept by the pharmacy,
727 including patient profiles; (6) products prescribed for cosmetic and
728 other purposes which shall not be covered under the program; and (7)
729 such other provisions as are necessary to implement the provisions of
730 sections 17b-490 to 17b-495, inclusive.

731 Sec. 31. Section 17b-498 of the general statutes is repealed and the
732 following is substituted in lieu thereof:

733 The Commissioner [of Social Services] on Aging shall undertake an
734 educational outreach program to make known the provisions of the
735 program to the public, with emphasis on reaching the elderly and the
736 disabled in the state through the various local and state-wide agencies
737 and organizations concerned with the elderly and the disabled, and to
738 all pharmacies in the state.

739 Sec. 32. Section 17b-520 of the general statutes is repealed and the
740 following is substituted in lieu thereof:

741 As used in sections 17b-520 to 17b-535, inclusive:

742 [(a)] (1) "Continuing-care contract" means an agreement pursuant to
743 which a provider undertakes to furnish to a person not related by
744 consanguinity or affinity to the provider, shelter and medical or
745 nursing services or other health-related benefits for the life of a person

746 or for a period in excess of one year, and which requires a present or
747 future transfer of assets or an entrance fee in addition to or instead of
748 periodic charges, and the amount of the assets required to be
749 transferred or the entrance fee is equal to or in excess of the amount set
750 by the commissioner in regulations adopted pursuant to section 17b-
751 533;

752 [(b)] (2) "Entrance fee" means the total of any initial or deferred
753 transfer to, or for the benefit of, a provider of a sum of money or other
754 property made or promised to be made as full or partial consideration
755 for acceptance or maintenance of a person as a resident pursuant to a
756 continuing-care contract;

757 [(c)] (3) "Facility" means the place in which a provider undertakes to
758 furnish shelter or care to a person pursuant to a continuing-care
759 contract;

760 [(d)] (4) "Provider" means any person, corporation, limited liability
761 company, business trust, trust, partnership, unincorporated association
762 or other legal entity, or any combination of such entities, undertaking
763 to furnish shelter and medical or nursing services or other health-
764 related benefits pursuant to a continuing-care contract;

765 [(e)] (5) "Resident" means any person entitled to receive present or
766 future shelter and medical or nursing services or other health-related
767 benefits pursuant to a continuing-care contract, provided nothing in
768 sections 17b-520 to 17b-535, inclusive, shall affect rights otherwise
769 afforded to residents while they are patients in healthcare facilities as
770 defined in [subsections (a), (b) and (c)] subdivisions (1), (2) and (3) of
771 section 19a-490;

772 [(f)] (6) "Affiliate of a provider" means any person, corporation,
773 limited liability company, business trust, trust, partnership,
774 unincorporated association or other legal entity directly or indirectly
775 controlling, controlled by or in common control with a provider;

776 [(g)] (7) "Offer" means an offer through either personal, telephone or
777 mail contact or other communication directed to or received by a
778 person at a location within this state as an inducement, solicitation or
779 attempt to encourage a person to enter into a continuing-care contract
780 and shall include any paid advertisement published or broadcast
781 within this state, except for advertisements in periodicals where more
782 than two-thirds of the circulation is outside this state but shall not
783 include marketing or feasibility studies;

784 [(h)] (8) "Shelter" means a room, apartment, cottage or other living
785 area in a facility set aside for the exclusive use of one or more persons
786 pursuant to a continuing-care contract;

787 [(i)] (9) "Medical or nursing services or other health-related benefits"
788 means services or benefits which shall include care in a nursing
789 facility, priority admission to a nursing facility, home health care or
790 assistance with activities of daily living, to which a resident becomes
791 contractually entitled;

792 [(j)] (10) "Department" means the Department [of Social Services] on
793 Aging;

794 [(k)] (11) "Commissioner" means the Commissioner [of Social
795 Services] on Aging.

796 Sec. 33. Section 17b-550 of the general statutes is repealed and the
797 following is substituted in lieu thereof:

798 As used in sections 17b-550 to 17b-554, inclusive, as amended by
799 this act:

800 (1) "Department" means the Department [of Social Services] on
801 Aging;

802 (2) "Commissioner" means the Commissioner [of Social Services] on
803 Aging;

804 (3) "Medicare assignment" means acceptance by a health care
805 provider of the Medicare-determined reasonable charge as payment in
806 full for services rendered to persons enrolled in the Medicare
807 insurance program;

808 (4) "Income" means adjusted gross income as determined for
809 purposes of the federal income tax plus any other income of such
810 person not subject to federal taxation;

811 (5) "Program" means the Connecticut Medicare assignment program
812 otherwise known as CONNMAP;

813 (6) "Resident" means a person legally domiciled within the state for
814 a period of not less than one hundred eighty-three days immediately
815 preceding the date of application for inclusion in the program. Mere
816 seasonal or temporary residences within the state, of whatever
817 duration, shall not constitute domicile;

818 (7) "Health care provider" means a person who provides care,
819 treatment, service or equipment covered by Medicare Part B under
820 Title XVIII of the Social Security Act, as amended.

821 Sec. 34. Subsection (b) of section 17b-552 of the general statutes is
822 repealed and the following is substituted in lieu thereof:

823 (b) The Commissioner [of Social Services] on Aging shall adopt
824 regulations in accordance with the provisions of chapter 54, necessary
825 to administer the program and to determine eligibility in accordance
826 with the provisions of section 17b-551.

827 Sec. 35. Section 17b-450 of the general statutes is amended by
828 adding subdivisions (6) and (7) as follows:

829 (NEW) (6) "Commissioner" means the Commissioner on Aging.

830 (NEW) (7) "Department" means the Department on Aging.

831 Sec. 36. Subsection (a) of section 17b-451 of the general statutes is

832 repealed and the following is substituted in lieu thereof:

833 (a) Any physician or surgeon licensed under the provisions of
834 chapter 370, any resident physician or intern in any hospital in this
835 state, whether or not so licensed, any registered nurse, any nursing
836 home administrator, nurse's aide or orderly in a nursing home facility,
837 any person paid for caring for a patient in a nursing home facility, any
838 staff person employed by a nursing home facility, any patients'
839 advocate and any licensed practical nurse, medical examiner, dentist,
840 optometrist, chiropractor, podiatrist, social worker, clergyman, police
841 officer, pharmacist, psychologist or physical therapist, who has
842 reasonable cause to suspect or believe that any elderly person has been
843 abused, neglected, exploited or abandoned, or is in a condition which
844 is the result of such abuse, neglect, exploitation or abandonment, or
845 who is in need of protective services, shall within five calendar days
846 report such information or cause a report to be made in any reasonable
847 manner to the Commissioner [of Social Services] on Aging or to the
848 person or persons designated by the commissioner to receive such
849 reports. Any person required to report under the provisions of this
850 section who fails to make such report shall be fined not more than five
851 hundred dollars.

852 Sec. 37. Subsection (b) of section 17b-452 of the general statutes is
853 repealed and the following is substituted in lieu thereof:

854 (b) The Department [of Social Services] on Aging shall maintain a
855 state-wide registry of the reports received, the evaluation and findings
856 and the actions taken.

857 Sec. 38. Section 17b-453 of the general statutes is repealed and the
858 following is substituted in lieu thereof:

859 (a) If it is determined that an elderly person is in need of protective
860 services, [services shall be initiated,] provided the elderly person
861 consents. If the elderly person fails to consent and the protective
862 services staff of the Department [of Social Services] on Aging has

863 reason to believe that such elderly person is incapable of managing
864 [his] such personal or financial affairs, the protective services staff shall
865 provide protective services to the extent possible and may apply to
866 Probate Court for the appointment of a conservator of person or estate,
867 as appropriate.

868 (b) If the caretaker of an elderly person who has consented to the
869 receipt of reasonable and necessary protective services refuses to allow
870 the provision of such services to such elderly person, the
871 Commissioner [of Social Services] on Aging may petition the Superior
872 Court or the Probate Court for an order enjoining the caretaker from
873 interfering with the provision of protective services to the elderly
874 person. The petition shall allege specific facts sufficient to show that
875 the elderly person is in need of protective services and consents to
876 their provision and that the caretaker refuses to allow the provision of
877 such services. If the judge finds that the elderly person is in need of
878 such services and has been prevented by the caretaker from receiving
879 the same, the judge may issue an order enjoining the caretaker from
880 interfering with the provision of protective services to the elderly
881 person.

882 Sec. 39. Section 17b-454 of the general statutes is repealed and the
883 following is substituted in lieu thereof:

884 Any person, department, agency or commission authorized to carry
885 out the duties enumerated in sections 17b-450 to 17b-461, inclusive, as
886 amended by this act, shall have access to all relevant records, except
887 that records which are confidential to an elderly person shall only be
888 divulged with the written consent of the elderly person or [his] the
889 elderly person's representative. The authority of the Department [of
890 Social Services] on Aging shall include, but not be limited to, the right
891 to initiate or otherwise take those actions necessary to assure the
892 health, safety and welfare of any elderly person, subject to any specific
893 requirement for individual consent, and the right to authorize the
894 transfer of an elderly person from a nursing home.

895 Sec. 40. Section 17b-455 of the general statutes is repealed and the
896 following is substituted in lieu thereof:

897 If an elderly person does not consent to the receipt of reasonable
898 and necessary protective services, or if such person withdraws the
899 consent, such services shall not be provided or continued, except that if
900 the Commissioner [of Social Services] on Aging has reason to believe
901 that such elderly person lacks capacity to consent, [he] the
902 commissioner may seek court authorization to provide necessary
903 services, as provided in section 17b-456, as amended by this act.

904 Sec. 41. Section 17b-456 of the general statutes is repealed and the
905 following is substituted in lieu thereof:

906 (a) If the Commissioner [of Social Services] on Aging finds that an
907 elderly person is being abused, neglected, exploited or abandoned and
908 lacks capacity to consent to reasonable and necessary protective
909 services, [he] the commissioner may petition the Probate Court for
910 appointment of a conservator of the elderly person pursuant to the
911 provisions of sections 45a-644 to 45a-662, inclusive, as amended by this
912 act, in order to obtain such consent.

913 (b) Such elderly person or the individual, agency or organization
914 designated to be responsible for the personal welfare of the elderly
915 person shall have the right to bring a motion in the cause for review of
916 the Probate Court's determination regarding the elderly person's
917 capacity or an order issued pursuant to sections 17b-450 to 17b-461,
918 inclusive, as amended by this act.

919 (c) The Probate Court may appoint, if it deems appropriate, the
920 Commissioner [of Social Services] on Aging to be the conservator of
921 the person of such elderly person.

922 (d) In any proceeding in Probate Court pursuant to provisions of
923 sections 17b-450 to 17b-461, inclusive, as amended by this act, the
924 Probate Court shall appoint an attorney to represent the elderly person

925 if he is without other legal representation.

926 Sec. 42. Section 17b-457 of the general statutes is repealed and the
927 following is substituted in lieu thereof:

928 In performing the duties set forth in sections 17b-450 to 17b-461,
929 inclusive, the Department [of Social Services] on Aging may request
930 the assistance of the staffs and resources of all appropriate state
931 departments, agencies and commissions and local health directors, and
932 may utilize any other public or private agencies, groups or individuals
933 who are appropriate and who may be available.

934 Sec. 43. Section 17b-458 of the general statutes is repealed and the
935 following is substituted in lieu thereof:

936 Subsequent to the authorization for the provision of reasonable and
937 necessary protective services, the Department [of Social Services] on
938 Aging shall initiate a review of each case within ninety days, to
939 determine whether continuation of, or modification in, the services
940 provided is warranted. A decision to continue the provision of such
941 services should be made in concert with appropriate personnel from
942 other involved state and local groups, agencies and departments, and
943 shall comply with the consent provisions of sections 17b-450 to 17b-
944 461, inclusive, as amended by this act. Reevaluations of each such case
945 shall be made every ninety days thereafter.

946 Sec. 44. Section 17b-459 of the general statutes is repealed and the
947 following is substituted in lieu thereof:

948 Concurrent with the implementation of any protective services, an
949 evaluation shall be undertaken by the Department [of Social Services]
950 on Aging, pursuant to regulations which shall be adopted by the
951 Commissioner [of Social Services] on Aging, in accordance with
952 chapter 54, regarding the elderly person's financial capability for
953 paying for the protective services. If the person is so able, procedures
954 for the reimbursement for the costs of providing the needed protective

955 services shall be initiated. If it is determined that the person is not
956 financially capable of paying for such needed services, the services
957 shall be provided in accordance with policies and procedures
958 established by the Commissioner [of Social Services] on Aging for the
959 provision of welfare benefits under such circumstances.

960 Sec. 45. Section 17b-461 of the general statutes is repealed and the
961 following is substituted in lieu thereof:

962 [Regulations shall be promulgated by the Commissioner of Social
963 Services] The Commissioner on Aging shall adopt regulations, in
964 accordance with the provisions of chapter 54, to carry out the
965 provisions of sections 17b-450 to 17b-461, inclusive, as amended by this
966 act.

967 Sec. 46. Section 17b-400 of the general statutes is repealed and the
968 following is substituted in lieu thereof:

969 (a) As used in this chapter:

970 (1) "State agency" means the [Division of Elderly Services of the
971 Department of Social Services] Department on Aging.

972 (2) "Office" means the Office of the Long-Term Care Ombudsman
973 established in this section.

974 (3) "State Ombudsman" means the State Ombudsman established in
975 this section.

976 (4) "Program" means the long-term care ombudsman program
977 established in this section.

978 (5) "Representative" includes a regional ombudsman, a residents'
979 advocate or an employee of the Office of the Long-Term Care
980 Ombudsman who is individually designated by the ombudsman.

981 (6) "Resident" means an older individual who resides in or is a
982 patient in a long-term care facility who is sixty years of age or older.

983 (7) "Long-term care facility" means any skilled nursing facility, as
984 defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-
985 3(a)) any nursing facility, as defined in Section 1919(a) of the Social
986 Security Act, (42 USC 1396r(a)) a board and care facility as defined in
987 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))
988 and for purposes of ombudsman program coverage, an institution
989 regulated by the state pursuant to Section 1616(e) of the Social Security
990 Act, (42 USC 1382e(e)) and any other adult care home similar to a
991 facility or nursing facility or board and care home.

992 (8) "Commissioner" means the Commissioner [of Social Services] on
993 Aging.

994 [(9) "Director" means the director of the Division of Elderly Services
995 of the Department of Social Services.]

996 [(10)] (9) "Applicant" means an older individual who has applied for
997 admission to a long-term care facility.

998 (b) There is established an independent Office of the Long-Term
999 Care Ombudsman within the Department [of Social Services] on
1000 Aging. The Commissioner [of Social Services] on Aging shall appoint a
1001 State Ombudsman who shall be selected from among individuals with
1002 expertise and experience in the fields of long-term care and advocacy
1003 to head the office and the State Ombudsman shall appoint assistant
1004 regional ombudsmen. In the event the State Ombudsman or an
1005 assistant regional ombudsman is unable to fulfill the duties of the
1006 office, the commissioner shall appoint an acting State Ombudsman and
1007 the State Ombudsman shall appoint an acting assistant regional
1008 ombudsman.

1009 (c) Notwithstanding the provisions of subsection (b) of this section,
1010 on and after July 1, 1990, the positions of State Ombudsman and
1011 regional ombudsmen shall be classified service positions. The State
1012 Ombudsman and regional ombudsmen holding said positions on said
1013 date shall continue to serve in their positions as if selected through

1014 classified service procedures. As vacancies occur in such positions
1015 thereafter, such vacancies shall be filled in accordance with classified
1016 service procedures.

1017 Sec. 47. Section 17b-406 of the general statutes is repealed and the
1018 following is substituted in lieu thereof:

1019 (a) Residents' advocates, under supervision of the regional
1020 ombudsmen, shall assist the regional ombudsmen in the performance
1021 of all duties and responsibilities of the regional ombudsmen as
1022 described in section 17b-405.

1023 (b) All long-term care facilities shall post or cause to be posted in a
1024 conspicuous place therein a list of the names of the appropriate
1025 residents' advocates and the names, addresses, and telephone numbers
1026 of the appropriate ombudsmen.

1027 (c) The Commissioner [of Social Services] on Aging shall have
1028 authority to seek funding for the purposes contained in this section
1029 from public and private sources, including but not limited to any
1030 federal or state funded programs.

1031 Sec. 48. Section 17b-407 of the general statutes is repealed and the
1032 following is substituted in lieu thereof:

1033 (a) Any physician or surgeon licensed under the provisions of
1034 chapter 370, any resident physician or intern in any hospital in this
1035 state, whether or not so licensed, and any registered nurse, licensed
1036 practical nurse, medical examiner, dentist, optometrist, chiropractor,
1037 podiatrist, social worker, clergyman, police officer, pharmacist,
1038 physical therapist, long-term care facility administrator, nurse's aide or
1039 orderly in a long-term care facility, any person paid for caring for a
1040 patient in a long-term care facility, any staff person employed by a
1041 long-term care facility and any person who is a sexual assault
1042 counselor or a battered women's counselor as defined in section
1043 52-146k who has reasonable cause to suspect or believe that a resident

1044 in a long-term care facility has been abused, neglected, exploited or
1045 abandoned, or is in a condition that is the result of such abuse, neglect,
1046 exploitation or abandonment, shall within five calendar days report
1047 such information or cause a report to be made in any reasonable
1048 manner to the Commissioner [of Social Services] on Aging pursuant to
1049 chapter 319dd. Any person required to report under the provision of
1050 this section who fails to make such report within the prescribed time
1051 period shall be fined not more than five hundred dollars.

1052 (b) Such report shall contain the name and address of the long-term
1053 care facility, the name of the involved resident, information regarding
1054 the nature and extent of the abuse, neglect, exploitation or
1055 abandonment and any other information which the reporter believes
1056 might be helpful in an investigation of the case and for the protection
1057 of the resident.

1058 (c) Any other person having reasonable cause to believe that a
1059 resident in a long-term care facility is being, or has been, abused,
1060 neglected, exploited or abandoned, or any person who wishes to file
1061 any other complaint regarding a long-term care facility, shall report
1062 such information in accordance with subsection (b) in any reasonable
1063 manner to the Commissioner [of Social Services] on Aging who shall
1064 inform the resident of the services of the Office of the Long-Term Care
1065 Ombudsman.

1066 (d) Such report or complaint shall not be deemed a public record,
1067 and shall not be subject to the provisions of section 1-210. Information
1068 derived from such reports or complaints for which reasonable grounds
1069 are determined to exist after investigation as provided for in section
1070 17b-408, including the identity of the long-term care facility, the
1071 number of complaints received, the number of complaints
1072 substantiated and the types of complaints, may be disclosed by the
1073 Commissioner [of Social Services] on Aging, except that in no case
1074 shall the name of the resident or the complainant be revealed, unless
1075 such person specifically requests such disclosure or unless a judicial

1076 proceeding results from such report or complaint.

1077 (e) Anyone who makes a report or complaint pursuant to this
1078 section or who testifies in any administrative or judicial proceeding
1079 arising from the report shall be immune from any civil or criminal
1080 liability on account of such report or complaint or testimony, except
1081 for liability for perjury, unless such person acted in bad faith or with
1082 malicious purpose.

1083 (f) The person filing a report or complaint pursuant to the
1084 provisions of this section shall be notified of the findings of any
1085 investigation conducted by the Commissioner [of Social Services] on
1086 Aging, upon request.

1087 (g) The Commissioner [of Social Services] on Aging shall maintain a
1088 registry of the reports received, the investigations made, the findings
1089 and the actions recommended and taken.

1090 Sec. 49. Section 17b-411 of the general statutes is repealed and the
1091 following is substituted in lieu thereof:

1092 The Commissioner [of Social Services] on Aging, after consultation
1093 with the State Ombudsman, shall adopt regulations in accordance with
1094 the provisions of chapter 54, to carry out the provisions of sections
1095 17b-400 to 17b-412, inclusive, 19a-531 and 19a-532.

1096 Sec. 50. Section 17b-412 of the general statutes is repealed and the
1097 following is substituted in lieu thereof:

1098 The [director] Commissioner on Aging shall require the State
1099 Ombudsman to:

1100 (1) Prepare an annual report:

1101 (A) Describing the activities carried out by the office in the year for
1102 which the report is prepared;

1103 (B) Containing and analyzing the data collected under section 17b-

1104 413;

1105 (C) Evaluating the problems experienced by and the complaints
1106 made by or on behalf of residents;

1107 (D) Containing recommendations for (i) improving the quality of
1108 the care and life of the residents, and (ii) protecting the health, safety,
1109 welfare and rights of the residents;

1110 (E) (i) Analyzing the success of the program including success in
1111 providing services to residents of long-term care facilities; and (ii)
1112 identifying barriers that prevent the optimal operation of the program;
1113 and

1114 (F) Providing policy, regulatory and legislative recommendations to
1115 solve identified problems, to resolve the complaints, to improve the
1116 quality of the care and life of residents, to protect the health, safety,
1117 welfare and rights of residents and to remove the barriers that prevent
1118 the optimal operation of the program.

1119 (2) Analyze, comment on and monitor the development and
1120 implementation of federal, state and local laws, regulations and other
1121 government policies and actions that pertain to long-term care facilities
1122 and services, and to the health, safety, welfare and rights of residents
1123 in the state, and recommend any changes in such laws, regulations and
1124 policies as the office determines to be appropriate.

1125 (3) (A) Provide such information as the office determines to be
1126 necessary to public and private agencies, legislators and other persons,
1127 regarding (i) the problems and concerns of older individuals residing
1128 in long-term care facilities; and (ii) recommendations related to the
1129 problems and concerns; and (B) make available to the public and
1130 submit to the federal assistant secretary for aging, the Governor, the
1131 General Assembly, the Department of Public Health and other
1132 appropriate governmental entities, each report prepared under
1133 subdivision (1) of this section.

1134 Sec. 51. Section 17b-1 of the general statutes is repealed and the
1135 following is substituted in lieu thereof:

1136 (a) There is established a Department of Social Services. The
1137 department head shall be the Commissioner of Social Services, who
1138 shall be appointed by the Governor in accordance with the provisions
1139 of sections 4-5 to 4-8, inclusive, with the powers and duties therein
1140 prescribed.

1141 (b) The Department of Social Services shall constitute a successor
1142 department to the Department of Income Maintenance [] and the
1143 Department of Human Resources [and the Department on Aging] in
1144 accordance with the provisions of sections 4-38d and 4-39.

1145 (c) Wherever the words "Commissioner of Income Maintenance" []
1146 or "Commissioner of Human Resources" [or "Commissioner on
1147 Aging"] are used in the general statutes, the words "Commissioner of
1148 Social Services" shall be substituted in lieu thereof. Wherever the
1149 words "Department of Income Maintenance" [] or "Department of
1150 Human Resources" [or "Department on Aging"] are used in the general
1151 statutes, "Department of Social Services" shall be substituted in lieu
1152 thereof.

1153 (d) Any order or regulation of the Department of Income
1154 Maintenance [] or the Department of Human Resources [or the
1155 Department on Aging] which is in force on July 1, 1993, shall continue
1156 in force and effect as an order or regulation of the Department of Social
1157 Services until amended, repealed or superseded pursuant to law.
1158 Where any order or regulation of said departments conflict, the
1159 Commissioner of Social Services may implement policies and
1160 procedures consistent with the provisions of public act 93-262* while in
1161 the process of adopting the policy or procedure in regulation form,
1162 provided notice of intention to adopt the regulations is printed in the
1163 Connecticut Law Journal within twenty days of implementation. The
1164 policy or procedure shall be valid until the time final regulations are
1165 effective.

1166 Sec. 52. Section 17b-2 of the general statutes is repealed and the
1167 following is substituted in lieu thereof:

1168 The Department of Social Services is designated as the state agency
1169 for the administration of (1) the child care development block grant
1170 pursuant to the Child Care and Development Block Grant Act of 1990;
1171 (2) the Connecticut energy assistance program pursuant to the Low
1172 Income Home Energy Assistance Act of 1981; [(3) programs for the
1173 elderly pursuant to the Older Americans Act; (4)] (3) the state plan for
1174 vocational rehabilitation services for the fiscal year ending June 30,
1175 1994; [(5)] (4) the refugee assistance program pursuant to the Refugee
1176 Act of 1980; [(6)] (5) the legalization impact assistance grant program
1177 pursuant to the Immigration Reform and Control Act of 1986; [(7)] (6)
1178 the temporary assistance for needy families program pursuant to the
1179 Personal Responsibility and Work Opportunity Reconciliation Act of
1180 1996; [(8)] (7) the Medicaid program pursuant to Title XIX of the Social
1181 Security Act; [(9)] (8) the food stamp program pursuant to the Food
1182 Stamp Act of 1977; [(10)] (9) the state supplement to the Supplemental
1183 Security Income Program pursuant to the Social Security Act; [(11)]
1184 (10) the state child support enforcement plan pursuant to Title IV-D of
1185 the Social Security Act; and [(12)] (11) the state social services plan for
1186 the implementation of the social services block grants and community
1187 services block grants pursuant to the Social Security Act. The
1188 Department of Social Services is designated a public housing agency
1189 for the purpose of administering the Section 8 existing certificate
1190 program and the housing voucher program pursuant to the Housing
1191 Act of 1937.

1192 Sec. 53. Section 17b-4 of the general statutes is repealed and the
1193 following is substituted in lieu thereof:

1194 (a) The Department of Social Services shall plan, develop,
1195 administer, operate, evaluate and provide funding for services for
1196 individuals and families served by the department who are in need of
1197 personal or economic development. In cooperation with other social

1198 service agencies and organizations, including community-based
1199 agencies, the department shall work to develop and fund prevention,
1200 intervention and treatment services for individuals and families. The
1201 department shall: (1) Provide appropriate services to individuals and
1202 families as needed through direct social work services rendered by the
1203 department and contracted services from community-based
1204 organizations funded by the department; (2) collect, interpret and
1205 publish statistics relating to individuals and families serviced by the
1206 department; (3) monitor, evaluate and review any program or service
1207 which is developed, operated or funded by the department; (4)
1208 supervise the establishment of pilot programs funded by the
1209 department in local communities which assist and support individuals
1210 and families in personal and economic development; (5) improve the
1211 quality of services provided, operated and funded by the department
1212 and increase the competency of its staff relative to the provision of
1213 effective social services by establishing and supporting ongoing staff
1214 development and training; and (6) encourage citizen participation in
1215 the development of social service priorities and programs.

1216 [(b) The Department of Social Services shall study continuously the
1217 conditions and needs of elderly and aging persons in this state in
1218 relation to nutrition, transportation, home-care, housing, income,
1219 employment, health, recreation and other matters. It shall be
1220 responsible in cooperation with federal, state, local and area planning
1221 agencies on aging for the overall planning, development and
1222 administration of a comprehensive and integrated social service
1223 delivery system for elderly persons and the aged. The department
1224 shall: (1) Measure the need for services; (2) survey methods of
1225 administration of programs for service delivery; (3) provide for
1226 periodic evaluations of social services; (4) maintain technical,
1227 information, consultation and referral services in cooperation with
1228 other state agencies to local and area public and private agencies to the
1229 fullest extent possible; (5) develop and coordinate educational
1230 outreach programs for the purposes of informing the public and
1231 elderly persons of available programs; (6) cooperate in the

1232 development of performance standards for licensing of residential and
1233 medical facilities with appropriate state agencies; (7) supervise the
1234 establishment, in selected areas and local communities of the state, of
1235 pilot programs for elderly persons; (8) coordinate with the state
1236 Department of Transportation to provide adequate transportation
1237 services related to the needs of elderly persons; and (9) cooperate with
1238 other state agencies to provide adequate and alternate housing for
1239 elderly persons, including congregate housing as defined in section 8-
1240 119e.]

1241 [(c)] (b) The Department of Social Services, in conjunction with the
1242 Department of Public Health, may adopt regulations in accordance
1243 with the provisions of chapter 54 to establish requirements with
1244 respect to the submission of reports concerning financial solvency and
1245 quality of care by nursing homes for the purpose of determining the
1246 financial viability of such homes, identifying homes that appear to be
1247 experiencing financial distress and examining the underlying reasons
1248 for such distress. Such reports shall be submitted to the Nursing Home
1249 Financial Advisory Committee established under section 17b-339.

1250 Sec. 54. Section 17b-343 of the general statutes is repealed and the
1251 following is substituted in lieu thereof:

1252 The Commissioner of Social Services, after consultation with the
1253 Commissioner on Aging, shall establish annually the maximum
1254 allowable rate to be paid by said agencies for homemaker services,
1255 chore person services, companion services, respite care, meals on
1256 wheels, adult day care services, case management and assessment
1257 services, transportation, mental health counseling and elderly foster
1258 care, except that the maximum allowable rates in effect July 1, 1990,
1259 shall remain in effect during the fiscal years ending June 30, 1992, and
1260 June 30, 1993. The Commissioner of Social Services shall prescribe
1261 uniform forms on which agencies providing such services shall report
1262 their costs for such services. Such rates shall be determined on the
1263 basis of a reasonable payment for necessary services rendered. The

1264 maximum allowable rates established by the Commissioner of Social
1265 Services for the Connecticut home-care program for the elderly
1266 established under section 17b-342, shall constitute the rates required
1267 under this section until revised in accordance with this section. The
1268 Commissioner of Social Services shall establish a fee schedule, to be
1269 effective on and after July 1, 1994, for homemaker services, chore
1270 person services, companion services, respite care, meals on wheels,
1271 adult day care services, case management and assessment services,
1272 transportation, mental health counseling and elderly foster care. The
1273 commissioner may annually increase any fee in the fee schedule based
1274 on an increase in the cost of services. Nothing contained in this section
1275 shall authorize a payment by the state to any agency for such services
1276 in excess of the amount charged by such agency for such services to
1277 the general public.

1278 Sec. 55. Subsection (h) of section 10a-178 of the general statutes is
1279 repealed and the following is substituted in lieu thereof:

1280 (h) "Nursing home" means any institution which is or will be
1281 eligible to be licensed as an institution under sections 19a-490 to 19a-
1282 503, inclusive, or a facility which (1) provides chronic and convalescent
1283 nursing care, (2) is a rest home with nursing facilities, (3) provides
1284 health care facilities for the handicapped, (4) is a home for elderly
1285 persons or physically handicapped or mentally handicapped persons
1286 or (5) is a continuing care facility registered with the Department [of
1287 Social Services] on Aging, pursuant to chapter 319f.

1288 Sec. 56. Section 4-60i of the general statutes is repealed and the
1289 following is substituted in lieu thereof:

1290 The Commissioner of Social Services shall (1) develop, throughout
1291 the Departments of Mental Retardation, Public Health, Correction,
1292 Children and Families and Mental Health and Addiction Services, and
1293 the Department on Aging uniform management information, uniform
1294 statistical information, uniform terminology for similar facilities and
1295 uniform regulations for the licensing of human services facilities, (2)

1296 plan for increased participation of the private sector in the delivery of
1297 human services, (3) provide direction and coordination to federally
1298 funded programs in the human services agencies and recommend
1299 uniform system improvements and reallocation of physical resources
1300 and designation of a single responsibility across human services
1301 agencies lines to eliminate duplication.

1302 Sec. 57. Subsection (c) of section 17b-337 of the general statutes is
1303 repealed and the following is substituted in lieu thereof:

1304 (c) The Long-Term Care Planning Committee shall consist of: (1)
1305 The chairpersons and ranking members of the joint standing and select
1306 committees of the General Assembly having cognizance of matters
1307 relating to human services, public health, elderly services and
1308 long-term care; (2) the Commissioner of Social Services, or the
1309 commissioner's designee; (3) one member of the Office of Policy and
1310 Management appointed by the Secretary of the Office of Policy and
1311 Management; (4) one member from the Department of Social Services
1312 appointed by the Commissioner of Social Services; (5) one member
1313 from the Department of Public Health appointed by the Commissioner
1314 of Public Health; (6) one member from the Department of Economic
1315 and Community Development appointed by the Commissioner of
1316 Economic and Community Development; (7) one member from the
1317 Office of Health Care Access appointed by the Commissioner of
1318 Health Care Access; (8) one member from the Department of Mental
1319 Retardation appointed by the Commissioner of Mental Retardation;
1320 (9) one member from the Department of Mental Health and Addiction
1321 Services appointed by the Commissioner of Mental Health and
1322 Addiction Services; [and] (10) one member from the Department of
1323 Transportation appointed by the Commissioner of Transportation; and
1324 (11) the Commissioner on Aging, or the commissioner's designee. The
1325 committee shall convene no later than ninety days after June 4, 1998.
1326 Any vacancy shall be filled by the appointing authority. The
1327 chairperson shall be elected from among the members of the
1328 committee. The committee shall seek the advice and participation of

1329 any person, organization or state or federal agency it deems necessary
1330 to carry out the provisions of this section.

1331 Sec. 58. Subsection (a) of section 17b-338 of the general statutes is
1332 repealed and the following is substituted in lieu thereof:

1333 (a) There is established a Long-Term Care Advisory Council which
1334 shall consist of the following: (1) The [executive director of the
1335 Commission on Aging, or his] Commissioner on Aging or the
1336 commissioner's designee; (2) the State Nursing Home Ombudsman, or
1337 [his] the ombudsman's designee; (3) the president of the Coalition of
1338 Presidents of Resident Councils, or [his] the president's designee; (4)
1339 the executive director of the Legal Assistance Resource Center of
1340 Connecticut, or [his] the executive director's designee; (5) one
1341 representative of the Connecticut Chapter of the American Association
1342 of Retired Persons, appointed by the president of said chapter; (6) one
1343 representative of a bargaining unit for health care employees,
1344 appointed by the president of such bargaining unit; (7) the president of
1345 the Connecticut Association of Not-For-Profit Providers for the Aging,
1346 or [his] the president's designee; (8) the president of the Connecticut
1347 Association of Health Care Facilities, or [his] the president's designee;
1348 and (9) the president of the Connecticut Association of Licensed
1349 Homes for the Aged, or [his] the president's designee.

1350 Sec. 59. Section 17b-362a of the general statutes is repealed and the
1351 following is substituted in lieu thereof:

1352 The Commissioner of Social Services shall establish a pharmacy
1353 review panel to serve as advisors in the operation of pharmacy benefit
1354 programs administered by the Department of Social Services or the
1355 Department on Aging, including the implementation of any cost-
1356 saving initiatives undertaken pursuant to section 17b-362, subsection
1357 (e) of section 17b-491 and section 17b-363. The panel shall be appointed
1358 by the commissioner to a three-year term and shall be composed of
1359 the Commissioner on Aging or the commissioner's designee, two
1360 representatives of independent pharmacies, two representatives of

1361 chain pharmacies, two representatives of pharmaceutical
1362 manufacturers, one physician specializing in family practice and one
1363 physician specializing in internal medicine or geriatrics. The panel
1364 shall meet at least quarterly with the commissioner or [his] the
1365 commissioner's designee.

1366 Sec. 60. Section 17b-362 of the general statutes is repealed and the
1367 following is substituted in lieu thereof:

1368 (a) A prescription for a maintenance drug, as determined by the
1369 Commissioner of Social Services, dispensed for the first time to any
1370 Medicaid [or ConnPACE] recipient, shall be dispensed in an amount
1371 not greater than a ten-day supply.

1372 (b) Each nursing home which participates in the Medicaid program
1373 may request of the dispensing pharmacist that a prescription be
1374 dispensed in an amount equal to a five-day supply whenever (1) a
1375 drug product is prescribed for the first time for a patient who is a
1376 Medicaid recipient, or (2) a refill of a prescription is necessary for such
1377 a patient and the patient's discharge from the home is imminent.

1378 Sec. 61. (NEW) A prescription for a maintenance drug, as
1379 determined by the Commissioner on Aging, dispensed for the first
1380 time to any ConnPACE recipient, shall be dispensed in an amount not
1381 greater than a ten-day supply.

1382 Sec. 62. This act shall take effect July 1, 2001.

Statement of Purpose:

To reestablish the Department on Aging.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]